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THE VOTER '76 REVIEW JOURNAL

a newsletter for local government study commissions

JUL 1977

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SEPTEMBER ELECTIONS

Billings and Livingston voters have approved alternative forms of government at special elections held September 14. That brings the number to seven communities that have accepted their local study commission proposals. On the same day, voters rejected change in Dawson and Yellowstone Counties, a week later in Wolf Point and Columbia Falls, and again in early October in Fairfield and Forsyth.

The Billings vote was set amidst hot and controversial opposition as defenders of the present form unsuccessfully asked the state Supreme Court to postpone the election (see story on page 3). Nonetheless, city voters adopted a charter-administrator (manager) form of government and chose nonpartisan elections in a suboption item by 9% and 30% margins, respectively.

Livingston residents expressed favor for reducing the length of terms of counselors from 5 to 2 year terms by passing their alternative form and a nonpartisan election suboption.

Billings public information efforts were directed towards getting out an informed vote, and avoiding the emotionalism being generated by opponents. Person to person contact was invaluable in countering this and was attributed as being the key to success in the city. Approximately 65 coffees were held as well as a telephone poll of every precinct.

As was the case in Missoula/Missoula County, the city vote was strongly for the alternatives but was not enough to offset the rural vote for status quo in the county.

DATE	CITY OR COUNTY AND ALTERNATIVE			PRESENT	PCT.	ALTER-NATIVE	PCT.
9/14	Billings (Charter-Manager)			7,245	53.6%	6,271	46.4%
	Suboption: Nonpartisan elections Approved	6,653	65%	3,584	35%		
9/14	Livingston (Commission-Executive; Two-year Terms)			395	54.3%	332	45.7%
	Suboption: Nonpartisan elections Approved	460	66.4%	233	33.6%		
9/14	Yellowstone County (Charter-Manager)			8,789	47.5%	9,721	52.5%
9/14	Dawson Co. (Charter; Commission-Manager)			524	25%	1,574	75%
9/21	Wolf Point (Charter-Mayor Council)			47	14%	280	86%
9/21	Columbia Falls (Disincorporation)			129	16%	674	84%
10/5	Fairfield (Commission-Chairman)			62	44%	79	56%
10/12	Forsyth (Commission-Executive)			454	92%	39	8%

The preparation of this document was financed in part through a Comprehensive Planning Assistance Grant from the United States Department of Housing and Urban Development, under the provisions of Section 701 of the Housing Act of 1954, as amended.

Editorial from the Helena Independent Record which appeared as a guest editorial around the state →

Voter apathy noted in government elections

Lewistown News Argus 9/22/76, 1A

When the State Commission on Local Government staged a panel at a Montana Press Association convention in Billings recently, newsmen told commission people that the big problem in any local governmental change is one of apathy.

Most voters, the newsmen said, aren't interested in any proposed reforms by change in county or municipal government. The staffers agreed, with some qualifications.

What the newspaper people said is confirmed in statements from Kalispell by a University of Montana graduate intern who spent the summer working at Kalispell's city hall.

Leaving the job, he commented that residents "shouldn't complain about city government unless they take more interest in it."

Halvorson noted a 24 per cent turnout for the city alternative form of government election and termed it "ridiculous." Yet, that apathy appears to be different from what the press reports elsewhere in Montana, with a few exceptions.

"It's mind boggling that in one of the few countries where people can freely express their opinions, so few people turn out to vote," Halvorson told Mary Pickett, Inter Lake staff writer.

Some things noted by the summer intern:

"Fiscal management and developing a budget are at the core of everything in local, state and federal government. You can't do anything if you don't have the money for it."

He praised Kalispell officials working in the fiscal field, but added that it's up to the people to maintain the quality of their government.

The graduate student will receive 10 quarter credits for his summer's work. On his return to UM, he will write his master's thesis under the tentative title of "Who Runs the city of Kalispell?"

But he — and the press — will be watching the outcome of the many local government elections this autumn.

VOTER '76 REVIEW

Voters want politics out of cities, counties

Independent Record 9/24/76 p 4

Voters who have voted on proposed changes of government to date in major population centers have told the city and county bureaucrats that they aren't interested in politics on the city and county level.

It's an interesting development in the local government review process which we're sure is bound to be upsetting to county Republican and Democratic central committees.

Lewis and Clark County voters cast 6,827 ballots for nonpartisan elections and 2,861 for partisan elections last spring when the proposed county charter was voted on. (Helena city commissioners already run on a nonpartisan ballot.)

Billings residents approved a change in city government and at the same time cast 6,653 voters for nonpartisan elections and 2,861 votes for partisan elections. (Billings city councilmen have run on a partisan basis in the past.)

Yellowstone County voters decided to keep the present form of government but cast 8,902 ballots for nonpartisan elections and 5,330 for partisan elections.

Perhaps the most surprising vote of all came on the Anaconda-Deer Lodge County consolidation vote. The consolidation measure was approved, which was a surprise. Even more of a surprise was the fact that an area that is very political voted 2,128 for nonpartisan ballots to 1,450 for partisan elections.

The votes that have been cast favoring nonpartisan elections on the city and county level come across with a clear message.

People in Lewis and Clark, Yellowstone and Deer Lodge counties (and who knows how many more it will be when all of the elections have been held) are telling their local office holders that they don't care about politics; that it doesn't make any difference whether Democrats or Republicans dominate city hall or the county courthhouse; that politics has nothing to do with good water and sewer systems, clean streets, etc.

The citizens want good local government and politics has nothing to do with it.

The State Commission on Local Government is busy drafting proposed legislation regarding local government operations and powers. Although it might to reluctant to do so, the commission would do well to take a good look at what the voters are saying about nonpartisan elections and consider legislation in this regard.

BILLINGS LAWSUIT

Twenty residents of Billings and Yellowstone County have filed suit in the Billings District Court to challenge the Billings and Yellowstone votes on alternative forms of government.

Among other issues, this suit alleges that the Alternative Forms Law was not adopted by the Legislature and that the voters could not vote to keep their existing form of government. Both allegations are false, and it is our opinion that the Court will uphold the Voter Review laws enacted by the Legislature and the Billings elections based on those laws.

All study Commissions were directed by the Legislature to use the new Alternative Forms Law to describe both existing and proposed forms of government. Such directions can be found in Sections 16-5102(5)(11), 16-5115.1, 16-5115.9, 16-5115.11. The last section is especially important because it says:

> "16-5115.11. General Transition. (1) If the electors disapprove the proposed new form of local government, the local government shall retain its existing form as specified in section 16-5115 [16-5115.1] and the report of the commission."

It is our opinion that the Billings suit is politically motivated and does not represent a serious challenge to the Voter Review Process.

Justice John C. Harrison has clarified the news accounts regarding his statement about the Billings suit. Justice Harrison said that he had merely said "that if the allegations in the Billings suit were true, the Court would have to overturn the elections." That is the case in any lawsuit - if the allegations are true, the Court will find for the plaintiff.

The critical issue here is that the facts alleged are not true. The laws were adopted by the Legislature and voters can vote to retain their existing form of government even though it will be described under a new statute adopted in 1975 than in the previous statute.

The case will probably come up for hearing in Billings in late November. We will keep you informed of its progress through the Courts.

IMPORTANT NOTICE

Please call the State Commission on Local Government - 449-2814 - on November 3, or as soon as possible, to inform us of the election outcome.

what difference does it make?

a big difference
when you want
better, more democratic,
representation
for all of us
who live in
Yellowstone County!

Think about this:

Would you rather have three commissioners elected at large (as it is now)
or...
six commissioners elected by residents of their own districts
and...
one commissioner elected by all of us! (that's the proposed form!)

A vote for the proposed Yellowstone County Charter is a vote for better representation!

Vote YES! Sept. 14.

All polling places will be open.

Billings Gaz. 9/9/76 Pg 4-B

Paid for by Citizens for Charter Passage,
Jerry Jones, Treasurer, 2204 24th Street West, Billings.

City Residents: Vote FOR the proposed Yellowstone County Charter! Sept. 14

it affects you, too!

Paid for by Citizens for Charter Passage,
Jerry Jones, Treasurer, 2204 24th Street West,
Billings.

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Study the facts. Be informed. Ask questions. Read the Charter. Vote.

...the road to better city services is paved with a better FORM of government...

Vote FOR the Proposed Billings City Charter. Sept. 14

Paid for by Citizens for Charter Passage.
Jerry Jones, Treasurer, 2204 24th Street West, Billings.

Study the facts. Be informed. Ask questions. Read the Charter. Vote.

Jim Kerr

City Councilman
and
Past President
of the
Billings City Council,
who works with our
present form of government
everyday, is

FOR

the city administrator council form of city government as proposed in the new Billings City Charter because:

"I think for a growing city like Billings, the city manager-council form of government will—in the long run—give us the expertise needed to handle all the affairs of this city."

Jim Kerr

Vote FOR the proposed City Charter. Vote YES Sept. 14.

Paid for by Citizens for Charter Passage,
Jerry Jones, Treasurer 2204 24th Street West, Billings.

BC 9/12

A CERTIFICATE FOR THE PLAN RATIFIED BY THE PEOPLE

On the next page are two certificates - both required by law. The "before election" certificate is the type of certificate you used in the final report.

There is one more certificate which is required and is illustrated as the "Certificate Establishing the Ratified Plan of Government." After your existing or proposed plan is approved by the voters, you must send a copy of this new certificate to the following agencies:

Secretary of State	State Commission on Local Gov't.
Attorney General	Clerk of the City, Town, or County
Department of Community Affairs	Clerk of the District Court

CLOSING SHOP

After a long and arduous task, it is understandable that many study commissioners would like to shut down and get everything off their backs. When and how study commissions disband will depend on transition involvement, additional reports or other activities, but all study commissions remain in legal effect and must control all monies until June 30, 1977 (16-5108, R.C.M. 1947).

Guidelines on disposing of monies, capital acquisition and records are being formulated by the Department of Community Affairs and the State Commission on Local Government, but probably will not be ready until Spring of 1977. As most study commissions have already been notified by the Department of Community Affairs, they should sit tight for now. Since the effective date of operation goes to June 1977, it would be legally premature to collect any money yet.

TRANSITION ASSISTANCE . . . .

Study commissions whose alternative plans are adopted will now be directing their efforts towards planning a smooth transition from the old to the new. To assist in this all-important phase, the Bureau of Government Research will be publishing a manual with the assistance of the State Commission on Local Government and conducting a workshop.

The manual, "Local Governments in Transition" by Professor James Lopach, is being printed and will be mailed in November.

The workshop is being planned for sometime early January and, due to finances, will be held at only one location -- Helena. The date and further details will be sent as soon as plans are finalized.

Requests for assistance or further information can be directed to the State Commission on Local Government, Helena.

(BEFORE ELECTION)

CERTIFICATE
ESTABLISHING THE (EXISTING OR PROPOSED)
PLAN OF GOVERNMENT FOR_____

If adopted by the voters, the government of _____ County shall be organized under the following provisions of Section 47A-3-____, R.C.M. 1947:

(The sections of law of the alternative form or the charter provisions go here just as they do in the Certificate in the Final Report)

We, the Study Commissioners of _____ do hereby certify that this is the (existing or proposed) Plan of Government as established by Section 47A-3-____, R.C.M. 1947.

(S E A L)

In testimony whereof, we set our hands this ____ day of _____, 1976, at _____, Montana.

_____

_____

ATTEST: _____
Local Government Study Commissioners.

_____
Clerk & Recorder

(AFTER ELECTION)

CERTIFICATE
ESTABLISHING THE RATIFIED PLAN OF
GOVERNMENT FOR _____

As ratified by the voters on ___(date)_____ the government of _____ shall be organized under the following provisions of Section 47A-3-____, R.C.M. 1947:

(The plan of government or charter goes here just as in the Certificates in your Final Report)

I, ____(print name)_____ Chairman of the _____ Local Government Study Commission, do hereby certify that this is the Plan of Government as ratified by the voters.

(S E A L)

In testimony whereof, I set my hand this ____ day of _____, 1976, at _____, Montana.

ATTEST: _____
Chairman

_____
Clerk (or Clerk & Recorder)

In preparing guidelines and policies for handling disposition matters, it is important to have an approximate idea of how much money will be remaining after termination of study commission activities. To gain such information, we are requesting study commissions fill out the following questions and return to the State Commission on Local Government.

This questionnaire will be used only to form a policy for disposing of capital and money and will not be used as financial information on individual study commissions. It is also understood the estimated figures are only approximate.

Study Commission _____

State Match: $_____

Local Match:
Cash $_____

In Kind $_____

Total $_____

Estimate money spent as of June 30, 1977: $_____

Estimate money remaining as of June 30, 1977: $_____

Capital items on hand:

ITEMS	APPROXIMATE COST
_____	$_____
_____	$_____
_____	$_____
_____	$_____
_____	$_____
_____	$_____

Please return as soon as possible to:

Bob Buzzas
State Commission on Local Government
Capital Station
Helena, MT 59601

D E A D L I N E S ? ? ' ! IMPORTANT! D E A D L I N E S ? ? ! !

Following are some reminders of the most immediate and most asked about required filings that study commissions must meet:

WHAT		
Four copies of the Final Report [16-5115.9(6)]	State Commission on Local Government	Immediately (if not already done)
Publish summary of recommendations and comparison [16-5115.9(5)]	Local newspaper	2 successive weeks before the election
*Final Report made available to voters [16-5115.9(4)]	Manner in which it is made available (or distributed, if desired) is up to study commission	30 days prior to the election
*Copy of the plan ratified by the voters and any accompanying apportionment plan [16-5115.11(3)]	Sec. of State, Attorney General, Dept. of Community Affairs, SCLG, City or County Clerk, Clerk of District Court	December 1, 1976

*See sample certificates for ratified plan.

VOTER REVIEW '76

State Commission on Local Government
State Capitol
Helena, MT 59601

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